

Appl. No. : 10/614,680
Filed : July 3, 2003

REMARKS

Claim 22 has been amended. Support for the amendment can be found in the Specification as filed, for example, in paragraph [0015]. Therefore, no new matter has been introduced by this amendment. The following addresses the substance of the Office action.

Novelty and non-obviousness

The Examiner has rejected Claims 22, 23 and 27 under 35 USC §102(e) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Gerlich et al. (U.S. Application publication 2002/0032350).

In the currently amended claim 22 the term recycling the concentrated mesityl oxide steam into said separating device and bringing said concentrated mesityl oxide stream into contact with a basic or acidic aqueous medium defines that the concentrated mesityl oxide is brought into contact with an acidic or basic medium *in the separating device*. Consequently, the subject matter of present claim 22 defines that separating and reaction with an acidic or basic medium takes place in the same apparatus.

We would like to point out that the cited US application is the equivalent of EP-A-1 188737 which is discussed in the introductory part of the present Specification. As discussed on page 2, paragraphs [0007]-[0009], the considerable disadvantages of the method according to Gerlich et al. are due to the conversion of mesityl oxide to acetone being conducted in a separate apparatus, which results in increased investment cost and also in increased cost of maintenance of such a plant. Furthermore, the fact that the mesityl oxide decomposition is conducted in a separate apparatus, integrating such an apparatus into a continuous process is difficult and, therefore, the only example in the Gerlich et al. reference is a discontinuous batch process. Nowhere in the Gerlich reference it is disclosed that the waste stream comprising mesityl oxide is separated in a separating device then the mesityl oxide is concentrated and the concentrated mesityl oxide is recycled into said separating device and brought therein in contact with an acidic or basic medium. Furthermore, it is a mandatory requirement of the process taught by Gerlich et al. that the decomposition of mesityl oxide takes place in a separate apparatus. Accordingly, this reference cannot suggest the process as presently claimed.

Therefore, the process as claimed in claims 22, 23 and 27 has considerable advantages compared to the process disclosed in the Gerlich et al. reference. Thus, Claims 22, 23 and 27 are

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novel and non-obvious over Gerlich et al., and their rejection under 35 USC §102(e) and 103(a) should be withdrawn.

Allowed subject matter

Applicant wishes to thank the Examiner for indicating that claims 2, 3, 5-8, 10-21 and 24-26 are allowed.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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